

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DAVID LEVINE and INDECO UNION)	
Plaintiffs.,)	
)	
v.)	Civil Action No. 1:20-cv-1073
)	
ANNE MEADOR)	
Defendant.)	

ORDER

This matter came before the Court on February 10, 2021 for a telephonic hearing on Defendant's Motion for Reconsideration of the January 26, 2021 Order granting Plaintiffs' Motion for Voluntary Dismissal of Indeco Union from this action without prejudice. For the reasons stated from the bench, Defendant's Motion for Reconsideration must be granted, and the January 26, 2021 Order must be vacated. Specifically, the January 26, 2021 Order must be vacated because the trustees appointed in Indeco Union and David Levine's respective bankruptcy proceedings have not had an opportunity to take a position on whether either Plaintiff must be dismissed from this action, and if so, whether such dismissal must be with or without prejudice.

Accordingly,

It is hereby **ORDERED** that Defendant's Motion for Reconsideration (Dkt. 14) is **GRANTED**.

It is further **ORDERED** that the January 26, 2021 Order dismissing Indeco Union from this action (Dkt. 12) is **VACATED**.

It is further **ORDERED** that, on or before February 24, 2021 at 5:00 p.m., Janet Smith Holbrook, the trustee appointed in Indeco Union's bankruptcy case,¹ shall file a brief addressing

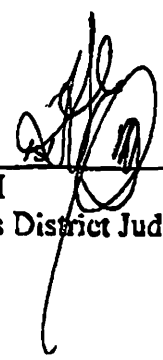
¹ *In re Indeco Union*, No. 3:20-bk-00485 (Dkt. 45) (Bank. N.D. W. Va. 2019)

(1) whether Indeco Union should be dismissed from this action and (2) if so, whether any such dismissal must be with or without prejudice.

It is further **ORDERED** that, on or before **February 24, 2021 at 5:00 p.m.**, Thomas H. Fluharty, the trustee appointed in David Levine's bankruptcy case and who has been vested with some authority to act on behalf of Indeco Union,² shall file a brief addressing (1) whether David Levine or Indeco Union should be dismissed from this action and (2) if so, whether any such dismissal must be with or without prejudice.

The Clerk is directed to send a copy of this Order to all counsel of record and to Janet Smith Holbrook and Thomas H. Fluharty at the addresses listed in the pertinent bankruptcy proceedings.

Alexandria, Virginia
February 10, 2021



T. S. Ellis, III
United States District Judge

² *In re David Levine*, No. 3:19-bk-1048 (Dkts. 81, 169) (Bank. N.D. W. Va. 2020).